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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

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ELECTRICAL INDUSTRY SERVICE
BUREAU, INC., et al.,

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Plaintiffs,

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v.

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BEING OF SERVICE INC, et al.,

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Defendants.

Case No. [13-cv-05810-WHO](#)

**ORDER GRANTING MOTION FOR
ENTRY OF DEFAULT JUDGMENT**

Re: Dkt. No. 47

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Plaintiffs seek entry of default judgment in this action arising under the Employment Retirement Income Security Act of 1974 (“ERISA”).¹ Plaintiffs filed this suit against defendants Being of Service Inc. (“BOS”) and Advanced Electric Solutions, Inc. (“AES”) asserting that defendant AES is the successor-in-interest, alter-ego, or double-breasted shop of BOS, and that BOS and AES are bound by BOS’ agreement to collective bargaining agreements requiring BOS and AES to make payments to employee Trusts. Dkt. No. 1 (Complaint) ¶¶ 7-13, 26. Defendants made an appearance and answered the Complaint (Dkt. No. 5), but subsequently directed their counsel to withdraw. Dkt. Nos. 32, 38. I gave defendants time to secure new counsel, but they did not and on July 31, 2015, defendants informed the Court that they would not be securing new counsel and recognized the case would proceed to default judgment. Dkt. No. 40. In response, plaintiffs moved to convert this case to default and asked the Court to enter default, which the Court did on August 14, 2015. Dkt. Nos. 41, 46.

¹ Plaintiffs are Electrical Industry Service Bureau, Inc.; Northern California Electrical Workers Pension Trust; San Francisco Electrical Industry Apprenticeship And Training Trust; Electrical Workers Health And Welfare Trust; National Electric Benefit Fund; International Brotherhood Of Electrical Workers Local 6 Vacation Fund; International Brotherhood Of Electrical Workers Local 6; and Tim Donovan as Trustee of each of the plaintiff Trust Funds except the National Electrical Benefit Fund and as agent for plaintiff National Electrical Benefit Fund (collectively referred to as the “Plaintiffs”).

1 Plaintiffs' motion for entry of default judgment is now before the Court. This matter is
2 appropriate for resolution without oral argument under Civil Local Rule 7-1(b), and the January
3 13, 2016 hearing is VACATED.

4 Defendants, through their former counsel, were timely served with notice of the motion for
5 entry of default judgment and have not appeared to contest or respond to the motion. Having
6 considered the argument of plaintiffs' counsel, the Notice, the Points and Authorities, the
7 submitted Declarations of James Capers and Wan Yan Ling, and the entire file in this action, and
8 GOOD CAUSE APPEARING, the Court ORDERS, as follows:

9 Plaintiffs' Motion for Default Judgment against defendants is GRANTED and Judgment is
10 entered against Defendants in the amount of \$47,783.65 in attorney's fees and costs;

11 Defendant AES is declared to be an alter-ego of defendant BOS bound by the Residential
12 Agreement and Inside Agreement between the San Francisco Electrical Contractors Association,
13 Inc. (SFECA) and IBEW Local 6;

14 Defendants are compelled to submit to a payroll audit;

15 Upon a showing made to this Court, defendants will be required to pay any unpaid or
16 underpaid fringe benefit contributions revealed by the audit, as well as liquidated damages,
17 interest, reasonable audit fees, and any additional reasonable attorneys' fees and costs;

18 This Court shall retain jurisdiction in the event any issues arise with respect to the
19 completion of the audit and/or defendants' payment of the amounts found owing pursuant to the
20 audit, as well as to amend the judgment to specify the final amount owing once the audit has been
21 completed.

22 **IT IS SO ORDERED.**

23 Dated: January 8, 2016

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25 WILLIAM H. ORRICK
26 United States District Judge
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